

IN THE HIGH COURT OF KERALA AT ERNAKULAM
WP(C).No. 21844 of 2008(A)

1. M.ASOKAN, ASOKA MANDIRAM,
... Petitioner

Vs

1. CHIEF INFORMATION COMMISSIONER KERALA
... Respondent

2. STATE OF KERALA, REPRESENTED BY

For Petitioner :SRI.ELVIN PETER P.J.

For Respondent :SRI.M.AJAY, SC, STATE
INFORMATION COMMN

The Hon'ble MR. Justice S.SIRI JAGAN

Dated :07/08/2008

O R D E R

S.SIRI JAGAN, J

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W.P(C)No.21844 of 2008

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Dated this the 7th day of August, 2008.

J U D G M E N T

The petitioner is challenging Ext.P7 order of the State Information Commissioner whereby the petitioner's appeal against the order refusing issue copies of certain documents sought for by him, was closed on the ground that in spite of elaborate search the file relating to the same could not be traced by the information officer concerned. The petitioner now submits that the observation in Ext.P7 order to the effect that the petitioner was not present at this time of hearing, is not correct and he now seeks an opportunity of being heard by the Commissioner. The learned Standing Counsel for the Commissioner would submit that although the statement therein that the petitioner was not present is not correct, the order was not passed on that basis but on the basis of the satisfaction that the concerned file could not be traced in spite of the best efforts of the Government. He would further submit that the respondents had filed another affidavit stating that even after a fresh search no positive results could be obtained. I am not going into the

merits of the case since it is now admitted before me that fresh orders can be passed after hearing the petitioner. Accordingly, Ext.P7 is quashed and the 1st respondent is directed to pass fresh orders in the matter after granting the petitioner a fresh opportunity of being heard.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

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